

1507 - 21st Street, Suite 330
Sacramento, California 95814
Telephone: (916) 445-2080
Contact Person: Kathy Tomono
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

Grand Hyatt San Francisco
Belvedere Room
345 Stockton Street
San Francisco, California 94108
(415) 398-1234

November 16, 2005

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

1. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the September 21, 2005, General meeting.**
4. **Consideration of presentation of Resolution to Joan Borucki, former Director, Department of Motor Vehicles.**
5. **Consideration of presentation of Resolution to Tom Novi, retired Board Executive Director.**
6. **Oral Arguments.**

SOUTAR'S NISSAN, a California corporation v. NISSAN NORTH AMERICA, INC.
Protest No. PR-1825-02

7. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Consideration of Proposed Order.

SOUTAR'S NISSAN, a California corporation v. NISSAN NORTH AMERICA, INC.

Protest No. PR-1825-02

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protest, by the Public members of the Board.

8. **Open Session.**

9. **Consideration of Petition Requesting that the Board Order DMV to Conduct an Investigation of the Allegations Contained therein and to Exercise its Authority Over Respondent's Occupational License.**

FORTY-NINER SIERRA RESOURCES, INC., dba FORTY-NINER SUBARU, and RICHARD E. WILMSHURST v. SUBARU OF AMERICA

Petition No. P-452-05

Consideration of Petition requesting that the Board order DMV to conduct an investigation of the allegations contained therein and to exercise its authority over Respondent's occupational license, by the Public members of the Board.

10. **Consideration of whether to file a Notice of Appeal.**

KIA MOTORS AMERICA, INC., Petitioner v. NEW MOTOR VEHICLE BOARD, Respondent; S & C MOTORS, INC., Real Party in Interest
Sacramento County Superior Court No.05CS00283

Consideration of whether to file a Notice of Appeal in the above-referenced matter in light of the Sacramento County Superior Court's Judgment granting Kia Motors America, Inc.'s Petition for Writ of Administrative Mandate, by the Public members of the Board.

11. **Consideration of Decision in light of Judgment Granting Kia Motors America, Inc.'s Petition for Writ of Administrative Mandate or Other Appropriate Relief.**

S & C MOTORS, INC., dba S & C KIA v. KIA MOTORS AMERICA, INC.
Protest No. PR-1894-04

Consideration of the Decision in light of the Sacramento County Superior Court's Judgment Granting Kia Motors America, Inc.'s Petition for Writ of Administrative Mandate or Other Appropriate Relief, wherein the Board was ordered to set aside its January 26, 2005 Decision sustaining the protest and dismiss the above-entitled protest, by the Public members of the Board.

12. **Annual Report on Board Development Program - Board Development Committee.**
13. **Consideration of proposed revisions to the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
14. **Report on revisions to the Board's practice of using cited and uncited Proposed Decisions and Proposed Orders/Rulings - Policy and Procedure Committee.**
15. **Selection of Board meeting dates for 2006.**
16. **Executive Director's Report.**
 - a. Administrative Matters.
 - b. Status of Protests.
 - c. Status of Petitions.
 - d. Status of Appeals.
 - e. Judicial Review.
 - f. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
 - g. Other.
17. **Adjournment.**

<p>To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-2080 or k_tomono@pacbell.net.</p>
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